## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CRIMINAL ACTION
<b>v.</b>	)	
	)	No. 00-20089-01-CM
	)	
GAIL MARTIN,	)	
	)	
Defendant.	)	
	)	

## MEMORANDUM AND ORDER

This case comes before the court on a *pro se* motion filed by defendant Gail Martin, the Motion Requesting Modification of Supervised Release (Doc. 34). Defendant asks the court to order that her supervised release in this case run concurrently with her incarceration in the Topeka Correctional Facility on state court charges.

On June 21, 2001, the Honorable G. Thomas VanBebber sentenced defendant to forty-six months imprisonment and three years of supervised release. The case was reassigned to the undersigned judge upon the death of Judge VanBebber. Defendant was released from federal custody on August 9, 2004, but was turned over to the Wyandotte County, Kansas Sheriff's Department because that office had filed a detainer. As previously noted, she is currently incarcerated in the Topeka Correctional Facility with an earliest possible release date of October 19, 2006.

Defendant requests that the court grant a "special exception" to 18 U.S.C. § 3624(e). She claims that if the court grants her request, she will reside at an address in Kansas City, Missouri; she will seek immediate employment; and she will support her three dependent children.

The court concludes that a "special exception" to § 3524(e) is not warranted in this case. The

statute only contemplates one "special exception" – that "[a] term of supervised release does not run

during any period in which the person is imprisoned in connection with a conviction for a Federal,

State, or local crime unless the imprisonment is for a period of less than 30 consecutive days." Here,

defendant's state court imprisonment is more than thirty days, and the court finds that the statutory

exception does not apply. In any event, defendant has not given the court a compelling reason why

her term of supervised release should run concurrent with her incarceration in the Topeka

Correctional Facility.

IT IS THEREFORE ORDERED that defendant's Motion Requesting Modification of

Supervised Release (Doc. 34) is denied.

Dated this 17th\_day of April 2006, at Kansas City, Kansas.

s/ Carlos Murguia

CARLOS MURGUIA

**United States District Judge** 

-2-